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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

13 Cr. 55 (GBD)

5 ROGELIO LEYBA,

6 Defendant.

7 -----x  
8 January 23, 2013  
9 10:50 a.m.

10 Before:

11 HON. GEORGE B. DANIELS

12 District Judge

13 APPEARANCES

14 PREET BHARARA

United States Attorney for the  
Southern District of New York

15 EDWARD DISKANT

Assistant United States Attorney

16 LINDSAY LEWIS

17 Attorney for Defendant

18 Also present: JEFFREY STEIMEL, Pretrial Services  
19 MATILDE DEFERRARI, Spanish interpreter  
20  
21  
22  
23  
24  
25

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(Case called)

THE DEPUTY CLERK: Would the parties please rise and state their appearances for the record, starting with the government.

MR. DISKANT: Good morning, your Honor. Edward Diskant for the government. And I am joined by Jeff Steimel of Pretrial Services.

MS. LEWIS: Good morning, your Honor. Lindsay Lewis, standing in for Josh Dratel, on behalf of Rogelio Leyba.

THE COURT: What is the status from the government's perspective?

MR. DISKANT: We are here primarily for an arraignment today. The defendant was charged by complaint in December and arrested on that basis and presented on that basis as well. He was indicted on these charges last week.

THE COURT: The indictment has not yet been filed?

MR. DISKANT: My understanding is that it is. The paperwork may have been lost in the shuffle. This was indicted as one of two cases. I know the other case, the paperwork was stamped and made its way to Judge Gardephe's chambers.

THE COURT: But you don't have a docket number yet?

MR. DISKANT: I don't.

THE COURT: Ms. Lewis, have you received a copy of the indictment and had an opportunity to review it with your client?

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1 MS. LEWIS: I did, your Honor.

2 THE COURT: Do you waive its public reading?

3 MS. LEWIS: I do, your Honor.

4 THE COURT: Do you wish to enter a plea on his behalf?

5 MS. LEWIS: We wish to enter a plea of not guilty.

6 THE COURT: I will enter a plea of not guilty on his  
7 behalf.

8 What is the status from the government's perspective  
9 with regard to discovery?

10 MR. DISKANT: Your Honor, the first round of discovery  
11 was handed to Ms. Lewis this morning. It consists of certain  
12 consensually recorded phone conversations and meetings  
13 involving the defendant. There also were a number of physical  
14 items seized from the defendant pursuant to a search warrant  
15 executed at the time of his arrest, I provided a voucher of  
16 those items, which we will make available to defense counsel's  
17 inspection. The only remaining item to the government's  
18 knowledge is at least one computer that was seized pursuant to  
19 the same search warrant. That is in the hands of our forensic  
20 team, and as soon as it's available to be produced we will do  
21 so.

22 THE COURT: Ms. Lewis, how much time would you want to  
23 review discovery before we came back?

24 MS. LEWIS: Your Honor, Mr. Dratel is actually on  
25 trial at the end of this week for the next six weeks or so in

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1 San Diego. So I would ask your Honor for a date after that if  
2 possible, and we also have another trial commencing before  
3 Judge Stein on April 1, just to permit some time to properly  
4 review the discovery.

5 THE COURT: What week would you be looking at?

6 MS. LEWIS: Could we do April 15, your Honor?

7 THE COURT: I can give you that week but not that day.

8 MS. LEWIS: Unfortunately, I don't have Mr. Dratel's  
9 schedule in front of me. Would your Honor like to pick a date  
10 convenient to the Court and we can notify chambers?

11 THE COURT: What about the 16th? I can set it down on  
12 the 16th at 9:45.

13 MS. LEWIS: Yes, your Honor.

14 THE COURT: What is the situation with regard to bail?  
15 What is the defense or government's position?

16 MS. LEWIS: Your Honor, perhaps I can raise this. The  
17 issue is that Mr. Leyba was originally permitted by the  
18 magistrate, one of the conditions of bail was that he would be  
19 permitted to work, and was initially released 6 a.m. to 6 p.m.  
20 from his home detention in order to do so. And it was the  
21 understanding when bail was set that Mr. Leyba would be  
22 permitted to work at the bodega located at 23 Crane Street,  
23 which is owned by his father. It is a legitimate business.  
24 There has never been a question of that. He would be able to  
25 work at this bodega that he has worked at for, I believe, the

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1 last 12 or 13 years. And sometime after he was initially  
2 authorized to do so, pretrial services then informed him that  
3 he would not be permitted to work there -- he would be  
4 permitted to work, but not there, because they believed that  
5 the alleged criminal activity had taken place at the bodega.

6 I would note, however, the criminal activity alleged  
7 in the complaint was not alleged to have taken place at the  
8 bodega, but, rather, at the apartment located above the bodega,  
9 which is actually Mr. Leyba's primary residence, but which he  
10 is not currently residing in. He is currently residing with  
11 his sister.

12 So I would ask, given that the criminal activity is  
13 not even alleged to have taken place at the bodega, that he be  
14 permitted to continue to work there, in key part because Mr.  
15 Leyba has child support obligations in New Jersey. Pretrial is  
16 aware of those, and he really needs this job in order to meet  
17 child support obligations. And considering the indictment in  
18 this case, and the fact that he is on home detention, it would  
19 be very difficult for him to go out, find and obtain employment  
20 elsewhere, especially considering that English is his second  
21 language.

22 THE COURT: Is there someone in that apartment  
23 currently?

24 MS. LEWIS: No. There is no one in that apartment at  
25 this time.

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1 THE COURT: What is the government's position?

2 MR. DISKANT: Your Honor, the government has a number  
3 of problems here.

4 First and foremost, so the Court is aware, the  
5 government opposed release and there was an extended detention  
6 argument before Judge Netburn. I forwarded a copy of the  
7 transcript to your clerk. We can get you a copy of the  
8 transcript should you wish to review it. I simply disagree  
9 with Ms. Lewis's characterization of the understanding of the  
10 parties at that time. We will note Ms. Lewis was not actually  
11 there.

12 THE COURT: Slow down.

13 MR. DISKANT: The understanding of everyone at the  
14 time of the hearing was that the store and the abandoned  
15 apartment building, which is directly above it and which Mr.  
16 Leyba was living in at the time of the apartment, had all been  
17 a part of the criminal conduct that was charged in what was at  
18 that time a complaint and is now an indictment. It was for  
19 that, among other reasons, that when Judge Netburn set  
20 conditions of release she specifically provided that he could  
21 not continue to live in that apartment at the bodega, but had  
22 to instead live with his sister.

23 The government's view is that the bodega was the front  
24 from which Mr. Leyba ran this organization as alleged -- or  
25 criminal activity I should say, as alleged in the complaint.

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1 He would meet the cooperating witness to whom he sold these  
2 drugs in the bodega. We have every reason to believe that he  
3 met other individuals that he bought from and sold to in the  
4 bodega.

5 I would add that since the time of the arrest, the  
6 government has developed additional information which gives it  
7 pause about Mr. Leyba's connection with this bodega. That  
8 information, which I have just handed to Ms. Lewis, includes  
9 information that Mr. Leyba has failed to disclose income earned  
10 from the bodega, has materially misrepresented his income in  
11 mortgage applications, and was in the process of obtaining some  
12 sort of financing as well as property to open a new store  
13 nearby.

14 THE COURT: Give me a better idea of what you claim is  
15 going on in the bodega.

16 MR. DISKANT: Our understanding, your Honor, is that  
17 Mr. Leyba was using the bodega to meet people who sell  
18 secondhand prescription drugs, which is the core of the  
19 allegation in this indictment; that is, people who are buying  
20 HIV medications, primarily from Medicaid beneficiaries, and  
21 then reselling them to aggregators like Mr. Leyba, who collect  
22 these bottles and then sell them on to much higher level  
23 aggregators, who in turn pass them on to corrupt pharmacies and  
24 back into the stream of commerce.

25 In addition to the sales that were recorded by the

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1 government, the government seized approximately 450 additional  
2 bottles of secondhand prescription drugs in the apartment above  
3 the bodega that we have been speaking of.

4 THE COURT: Is there any other connection between the  
5 owner of the bodega or the people who work in the bodega and  
6 the offenses that are charged here, or you're suggesting during  
7 the period of time that he was working there, that's the place  
8 where he did these transactions?

9 MR. DISKANT: It's primarily the latter. We have  
10 every reason to believe that were Mr. Leyba to be allowed to  
11 return to the bodega, and to be clear, we have no indication  
12 there are any other employees there, but were he allowed to  
13 return to the bodega, he would have every reason to be in  
14 contact with people who would come by the store, because they  
15 had previously done precisely the sort of business alleged in  
16 the indictment with Mr. Leyba, that is, all of his prior  
17 sellers and buyers, who knew him from the store and would meet  
18 him at the store, and then be taken by Mr. Leyba from the store  
19 up to this apartment directly above it to actually engage in  
20 the transactions.

21 THE COURT: What are you afraid is going to happen?

22 MR. DISKANT: He will continue to engage in these  
23 sales when presented with the opportunity to do so.

24 THE COURT: That would be pretty stupid.

25 MR. DISKANT: I completely agree.



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1 THE COURT: Since the agents are looking right over  
2 his shoulder.

3 MR. DISKANT: It is very hard for the agents to engage  
4 in 24/7 surveillance of the store, your Honor.

5 THE COURT: I assume to some extent you have  
6 identified other individuals other than the cooperator, if not  
7 by name but by face, as to who the defendant was allegedly  
8 dealing with.

9 MR. DISKANT: We have certainly identified numerous  
10 other people who are involved in this conspiracy. The  
11 government has currently charged approximately 60 individuals  
12 in various different charging instruments. We are talking  
13 about a multi-state conspiracy that involved tens, if not  
14 hundreds of millions of dollars worth of secondhand medication.  
15 So to say that we have knowledge of every single person who is  
16 involved in it would obviously be overstating it. We  
17 definitely continue to investigate. We have additional  
18 targets.

19 THE COURT: What is the approximate number of  
20 individuals who have been coming in and out of this bodega  
21 involved in this activity?

22 MR. DISKANT: I wouldn't speculate, your Honor. I  
23 will say that the defendant engaged in two separate sales to  
24 the cooperating witness working with the government. Both of  
25 those sales involved approximately 50 bottles of secondhand

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1 pills. At the time of his arrest, the defendant had an  
2 additional 450 bottles or approximately nine sales worth in  
3 stock. So the government would speculate that he was doing  
4 this with some frequency with other individuals.

5 THE COURT: The bodega is owned by his father?

6 MR. DISKANT: That is our information. His father is  
7 in the Dominican Republic and not here. I should add that the  
8 defendant is not a citizen. He is likely facing deportation  
9 should he be convicted.

10 THE COURT: Who else is working or running the store?

11 MR. DISKANT: We have no information to lead us to  
12 believe that anyone else is running the store. I don't believe  
13 anyone else was there at the time of the arrest. I am not  
14 aware of the agents seeing anyone else in the store during any  
15 of the sales that were reported.

16 THE COURT: Has the store been closed? When did he  
17 get arrested?

18 MR. DISKANT: He was arrested on December the 20th.

19 THE COURT: Ms. Lewis, has the store been closed since  
20 then?

21 THE DEFENDANT: This was my father's bodega.

22 MR. DISKANT: While the defendant is conferring, these  
23 are the documents that I referred to. I provided a copy to  
24 defense counsel as well.

25 MS. LEWIS: There is one employee currently working at

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1 the store. His name is Miguel. He is in no way linked to this  
2 case. The responsibility for running the store is Mr. Leyba.  
3 As you understand, the store is owned by his father, and he is  
4 the one keeping a completely legitimate business operational.

5 I would also stress that what the government has just  
6 mentioned here, none of this is new information -- with the  
7 exception of these 400 new bottles the government refers to,  
8 none of this is new information that the magistrate court was  
9 not aware of at the time that they set bail in this case. In  
10 fact, this information that the government has just explained  
11 is all listed very clearly in the complaint. The complaint  
12 makes clear that while people may have met up with him at the  
13 bodega, no drugs were alleged to have exchanged hands there.  
14 There were no illegal transactions that were alleged to have  
15 taken place in the bodega. If anything, they moved outside of  
16 the bodega to the apartment, and just to the apartment, to  
17 transact these alleged exchanges.

18 So I would stress that there are no changed  
19 circumstances here and there is no reason to deny him his right  
20 to work in the bodega, as the magistrate court had said, and to  
21 be able to pay his child support in this case.

22 THE COURT: Was this issue discussed with the  
23 magistrate judge? What way was it that the magistrate judge  
24 said he could work, precluding him from going to the apartment,  
25 but anticipated what about the bodega and what about the way he

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1 was going to work?

2 MS. LEWIS: My understanding, I was not present there,  
3 Mr. Dratel told me at that appearance it was very clear to all  
4 parties that he would be permitted to work in the bodega. I  
5 understand from Mr. Leyba that perhaps the issue with him  
6 living in the apartment actually had more to do with the fact  
7 that there had been a misunderstanding that there was no phone  
8 line in the apartment, and that may have been part of the  
9 reason. Again, I am just going on what my client said, not  
10 what Mr. Dratel has said about this particular issue, but that  
11 may have contributed to why he had been disallowed to stay in  
12 the apartment. Apparently, there is a phone there.

13 Nonetheless, he is staying with his sister and that  
14 condition can remain. He does not need to go into the  
15 apartment should the Court continue to wish that to be the  
16 case. With the exception of what was already stated before,  
17 that the magistrate court was aware of, people may have met him  
18 at the bodega and then left there to transact illegal business,  
19 there is no allegation that that bodega is in any way linked to  
20 criminal activity. It is a legitimate business.

21 THE COURT: Was it anticipated by the magistrate judge  
22 that he would find a new job or that he would work at the  
23 bodega?

24 MS. LEWIS: No. It was absolutely the understanding  
25 that he would work at the bodega.

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1 MR. DISKANT: I just tried again to forward a  
2 transcript of the proceedings to your clerk so the Court can  
3 review it. That's simply not accurate. Both the government  
4 and pretrial services, who were at the bail hearing, came away  
5 with a completely different impression, which was that Judge  
6 Netburn shared the government's concern about this particular  
7 location, which is why she was not allowing him to live there.  
8 The phone line was hardly the issue. This is an otherwise  
9 abandoned building that is padlocked from the outside. Mr.  
10 Leyba would meet his buyers and sellers in the bodega, walk  
11 them up, take the padlock off the door into this abandoned  
12 building where he stored the drugs.

13 THE COURT: It's interesting that you say the  
14 prohibition was that he could not go to the apartment, not that  
15 he could not go to the bodega.

16 MR. DISKANT: Well, your Honor, the condition was that  
17 he couldn't live in the apartment, because what he wanted to do  
18 was live in the apartment. Judge Netburn added at the very end  
19 that he could seek work. There was no other discussion of  
20 work. There is certainly no discussion of him going back to  
21 work at the bodega. Had that been expressly raised, the  
22 government certainly would have opposed it.

23 I should add Mr. Steimel reminds me, while the  
24 defendant is out on electronic monitoring, pretrial has no way  
25 of determining, based on that monitoring, whether he is on the

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1 first floor of the building or the second floor of the  
2 building, so there really would be no way to ensure that he was  
3 staying only in the bodega.

4 The final thing I wanted to note, and I just handed up  
5 to your Honor a stack of documents that were recovered from  
6 this abandoned apartment building pursuant to the search  
7 warrant. These in order are a loan application from the Bank  
8 of America for a building in Newark, New Jersey, in which the  
9 defendant substantially misstates his income and defaults on  
10 his tax returns, showing that he either is committing tax fraud  
11 or misstating his income to Bank of America. Then, finally, a  
12 series of documents in which the defendant is obtaining  
13 financing and property for a new store nearby. And I raise  
14 these primarily because none of this was disclosed with his  
15 financial history at pretrial at the time of the bail  
16 application. All of this certainly would have given the  
17 government additional concern about his release and would have  
18 been argued extensively before Judge Netburn had the defendant  
19 not failed to truthfully disclose it at that time.

20 THE COURT: I have a copy of the transcript of the  
21 bail proceeding? Can you direct my attention to anything in  
22 the transcript that is directed at this issue?

23 MR. DISKANT: Candidly, my only recollection of work  
24 being discussed at all was at the very, very end of the  
25 proceeding, probably the last page or two, in which Judge

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1 Netburn was reciting the conditions of bail. And after  
2 ordering him to be held on electronic monitoring and to live at  
3 a location other than his own house, I believe she said  
4 something to the effect the defendant can seek work.

5 THE COURT: Let me just look at the transcript.

6 (Pause)

7 THE COURT: Was there a search conducted of the  
8 apartment and the bodega?

9 MR. DISKANT: The search was limited to the apartment,  
10 your Honor.

11 (Pause)

12 THE COURT: What exactly are the bail conditions? Is  
13 there a \$100,000 bond secured by 5,000 in cash?

14 MR. DISKANT: That's correct.

15 THE COURT: How many cosigners?

16 MR. DISKANT: Two. Neither of them, candidly, is  
17 terribly impressive in terms of the financially responsible  
18 component, but given Judge Netburn's order, the government did  
19 its best to accommodate them.

20 THE COURT: Are they employed?

21 MR. DISKANT: One of them is.

22 THE COURT: Do you have the defendant's passport?

23 MR. DISKANT: The agent should have it, your Honor.

24 THE COURT: Well, I see in the transcript that the  
25 government pointed out to the magistrate judge that the

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1 defendant sought employment in a store that the government  
2 believes he was using as a front of the drug conspiracy that is  
3 charged in the complaint. The only other reference to the job  
4 is the magistrate judge's condition of bail that he will be  
5 permitted to leave the home for employment, medical  
6 appointments, and to visit counsel.

7           Given that information, the magistrate judge didn't  
8 set any condition, knowing that he worked at that location,  
9 didn't set any condition that he should find different  
10 employment as I see it here. It seems to me it's reasonable  
11 that the magistrate judge anticipated that this is where he was  
12 going to be working and that not working there wasn't a  
13 condition of his bail.

14           That being the case, and the circumstances not having  
15 changed from the time the magistrate judge set the bail, I  
16 think adding an additional condition now that he cannot work at  
17 this location, I don't see that being compelling at this point.  
18 At this point, I think the restrictions on the apartment should  
19 stay in place. At the time, it was indicated to the magistrate  
20 judge it was his only employment. Although there may have been  
21 criminal discussions at this location in the bodega, the  
22 location alone doesn't compel me that he should be precluded  
23 from working at his sole employment.

24           Additionally, as I indicated, I think he would be  
25 quite foolish to engage in further activity at this location,



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1 and, quite frankly, I am not sure, he may or may not come in  
2 contact with people that the government believes are involved  
3 in this kind of activity, but given the nature of his bail  
4 conditions, it could just as well happen on the streets  
5 someplace, as opposed to happen at the bodega, when the  
6 defendant is out from under home confinement.

7 MR. DISKANT: Most respectfully, I appreciate this is  
8 not technically charged as a Title 21, Section 841 provision;  
9 nonetheless, the government's view of the defendant here is  
10 that he has been engaged in drug dealing. This is the effect  
11 of sending a dealer back out on the streets and telling him he  
12 is perfectly free to hang out on his old corner, just don't  
13 hang out with the same people you were dealing drugs with.

14 THE COURT: That's an the argument you had the  
15 opportunity to make at the time Judge Netburn set the bail.  
16 She did not set that restriction nor did you ask her to set  
17 that restriction.

18 MR. DISKANT: Again, having been there myself, having  
19 pretrial there, it was not the understanding of anyone at the  
20 time that that was what Judge Netburn was saying. She doesn't  
21 mention employment until the very, very end. No one understood  
22 it to mean she was expressly permitting him to go back to the  
23 store.

24 THE COURT: I have looked at the transcript. I am not  
25 sure where I am supposed to look at the transcript to interpret

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1 the transcript to mean that you asked her or she intended to  
2 put any restriction on his employment. You told her he had  
3 sole employment at the bodega, and she said that he could leave  
4 the house only for employment. What other employment could she  
5 be referring to unless she told him that he couldn't work there  
6 and he had to get another job?

7 MR. DISKANT: Two responses. First is that both  
8 pretrial and the government didn't hear it that way  
9 contemporaneously. I think the transcript speaks for itself.  
10 We just didn't hear it that way. Certainly, had we heard it,  
11 we both would have objected, because as pretrial has told me,  
12 and will tell you, they have no way of ensuring on these facts  
13 that the defendant is staying in the bodega as opposed to going  
14 up to the apartment based on the electronic monitoring that  
15 Judge Netburn ordered.

16 Secondly, this Court has the right to revise those  
17 conditions, and the basis for revising those conditions are  
18 that now the defendant is in fact out, now the parties clearly  
19 understand -- the request to include a request not simply to  
20 seek employment but to go back to the store, the government and  
21 pretrial are here explaining to you why they view that as a bad  
22 idea and a difficult way to monitor the defendant.

23 The final thing is that there are changed conditions,  
24 which is the government has additional information, which it  
25 continues to investigate, that leads us to believe that the

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1 defendant has not been fully forthcoming with pretrial, with  
2 the Court, in engaging in the various criminal activities that  
3 he is involved in, which should give the Court some pause about  
4 his ability to maintain a law-abiding life while out on  
5 pretrial release, and at the exact place where he met all of  
6 his buyers and sellers for the conspiracy that is charged.

7 THE COURT: If your argument is simply that you are  
8 fearful that he is going to go back to the bodega and continue  
9 to sell drugs out of the bodega, that's not a particularly  
10 compelling argument. Obviously, that would be quite difficult  
11 and quite foolish under the circumstances to sell drugs out of  
12 the bodega given his bail conditions. The government obviously  
13 has the ability, whether he goes to the bodega or not, to  
14 conduct a further investigation if they believe there is a  
15 reasonable basis to believe that he is selling drugs out of the  
16 bodega. But the bottom line is that if he is going to be out,  
17 he can sell drugs, whether he does it by telephone or someplace  
18 else out on the street, someplace else if he gets another job.  
19 I'm not sure that the bodega itself is the critical point of  
20 the issue as to whether or not he is going to be selling drugs.  
21 Quite frankly, I think it is more unlikely, if he is going to  
22 sell drugs, he is going to sell it someplace else other than  
23 the bodega because that's where he got caught.

24 I don't think the circumstances have significantly  
25 changed, and I think it's a close question given the way the

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1 transcript reads. It appears to me the scenario that  
2 Magistrate Judge Netburn had anticipated, in terms of bail  
3 conditions, don't indicate any other scenario other than that  
4 she was told that this is where he worked, in the bodega, that  
5 that's his sole employment. She restricted him from going to  
6 the apartment, she did not restrict him from going to the  
7 bodega, and she said that the bail conditions were that he  
8 should be on home confinement except for when he goes to work.

9 As I say, I think it's a close question, but I think  
10 given the nature of this offense, and given the nature of the  
11 evidence and the bail that's already set in this case, I think  
12 that I can only interpret that what Judge Netburn intended is  
13 that she intended that he be able to continue to work. At this  
14 point, I don't see a compelling reason to overrule that  
15 determination and say that was an unreasonable determination by  
16 her to anticipate that he would be able to continue to work in  
17 this bodega.

18 So given his financial responsibilities, his family  
19 responsibilities, I think that it makes sense for him to  
20 continue to work. Obviously, if he is foolish enough either in  
21 the bodega or someplace else while he is on bail to have  
22 further contact or discussion with co-conspirators or others  
23 who are interested in buying or selling drugs, that would be a  
24 foolish thing to do and a basis for totally revoking his bail  
25 as an indication that he is a danger to the community and/or

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1 can't abide by the conditions of his release.

2           Given the way the bail was set, and given that it's  
3 simply now the government and pretrial's position that  
4 additional restrictive conditions should be imposed indicating  
5 that he cannot continue to work at the current location and  
6 must find a new job at a different location, under those  
7 circumstances, I don't think that is consistent with the bail  
8 that Judge Netburn set, having had her consider the total  
9 issues. I am going to not restrict him with regard to working  
10 in the bodega. He is still restricted from the apartment and  
11 upstairs over the bodega. As long as it appears that he is  
12 simply engaged in lawful employment at this bodega, I think  
13 that that's appropriate and consistent with the bail conditions  
14 set by Judge Netburn.

15           We will adjourn till the next date. If there is a  
16 further problem with this, let me know and I will reconsider  
17 it, but at this point he should continue to be employed. I  
18 think we are better off if he is still working than just  
19 wandering around the streets trying to look for another job.

20           MR. DISKANT: The government would seek an exclusion  
21 of time between today's date and April 16 to permit defense  
22 counsel to review the discovery and determine what, if any,  
23 motions might be appropriate.

24           THE COURT: Any objection?

25           MS. LEWIS: No, your Honor.

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1 THE COURT: I will exclude the time in the interests  
2 of justice to facilitate that review and availability for the  
3 next conference. I will see everyone on April 16 at 9:45.

4 (Adjourned)